

Regular Session, 2011

HOUSE BILL NO. 493

BY REPRESENTATIVE LORUSSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC CONTRACT/BIDS: Provides relative to the procurement of services by public entities that are not subject to the State Procurement Code

1 AN ACT

2 To enact R.S. 38:2212.10, relative to the procurement of services; to provide for public
3 entities that are not subject to the State Procurement Code; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 38:2212.10 is hereby enacted to read as follows:

7 §2212.10. Procurement of services

8 A. The procurement of services by public entities not covered by Title 39 of
9 the Louisiana Revised Statutes of 1950 are not required to be bid under the Public
10 Bid Law.

11 B.(1) Such public entities may establish rules or criteria governing the
12 procurement of services. Such rules may be applicable to all procurement or may
13 be individually established for individual procurement decisions.

14 (2) If a public entity establishes rules or criteria governing the procurement
15 of services, such entity shall adhere to such rules or criteria.

16 C. In the event that a public entity fails to adhere to its established rules or
17 criteria, an aggrieved party may seek to enforce such rules or criteria through
18 mandamus in an action filed in the judicial district in which the public entity is
19 domiciled.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lorusso

HB No. 493

Abstract: Provides relative to the procurement of services by public entities that are not subject to the State Procurement Code.

Proposed law provides that public entities not covered by Title 39 of the Louisiana Revised Statutes of 1950 are not bound by the Public Bid Law for the procurement of services.

Proposed law allows public entities to establish rules for governing the procurement of services either applicable to all procurement or for individual procurement decisions. Further provides that the public entity must adhere to such rules as are established.

Proposed law provides for an aggrieved party to seek enforcement of such rules through mandamus filed in the judicial district in which the public entity is domiciled should the entity fail to adhere to such rules.

(Adds R.S. 38:2212.10)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted language regarding recoverable damages and recovery of fees or other certain damages.